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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
 LLC,
 Debtor.

Chapter 11

Jointly Administered Under
 Case No. BK-S-06-10725 LBR

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

**EX PARTE APPLICATION FOR ORDER
 APPROVING EXAMINATION OF THE
 PERSON MOST KNOWLEDGEABLE AT
 FIRST AMERICAN TITLE INSURANCE
 COMPANY PURSUANT TO FED. R.
 BANKR. P. 2004**

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Pursuant to Fed. R. Bank. P. 2004, USA Commercial Mortgage Company, USA Securities, LLC, USA Capital Realty Advisors, LLC, USA Capital Diversified Trust Deed Fund, LLC, and USA Capital First Trust Deed Fund, LLC (collectively, the "Debtors"), by and through their counsel, hereby apply for an order directing the person most knowledgeable at First American

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1 Title Insurance Company ("FATCO"), to be examined under oath in relation to a transaction by or
2 with HMA Sales, LLC ("HMA"), USA Investment Partners, LLC, Sal Realle Great White
3 Investments, NV, LLC, Joseph Milanowski, and/or Tom Hantges involving the Royal Hotel
4 including the sale that occurred on December 22, 2006 and the Deed Of Trust given to Sal Realle
5 and the settlement with Great White.

6 Fed. R. Bank. P. 2004(a) provides that "[o]n motion of any party in interest, the court may
7 order the examination of any entity."

8 Local Rule 2004 provides, in pertinent part, the following:

9 (b) Order for examination. Orders for examination may be
10 signed by the clerk if the date set for examination is more than ten
(10) business days from the date such motion is filed....

11
12 As set forth above, the date for the proposed examination is more than ten (10) business
13 days from the date of this Application. Accordingly, Debtors respectfully request that the Clerk of
14 the Court docket the Order for Examination of HMA pursuant to Fed. R. Bank. P. 2004 submitted
15 herewith.

16 WHEREFORE, Debtors respectfully request that this Honorable Court direct HMA to
17 appear through its representative designated in accordance with Fed. R. Civ. P 30(b)(6) on January
18 15, 2007 at 2:00 p.m. at the office of Schwartzer & McPherson Law Firm located at 2850 South
19 Jones Boulevard, Suite 1, Las Vegas, Nevada 89146, and continuing thereafter until completed.

20 Dated: December 27, 2006.

21 /s/ Lenard E. Schwartz

22 Annette W. Jarvis, Utah Bar No. 1649

23 RAY QUINNEY & NEBEKER P.C.

24 36 South State Street, Suite 1400

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27 and

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